



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**FEB 12 2014**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Donald Zila, Chairman  
Village of Thurston, Nebraska  
P.O. Box 215  
Thurston, Nebraska 68062

Re: Letter of Warning and Request for Information

Dear Mr. Zila:

On October 22, 2013, a representative from the U.S. Environmental Protection Agency, Region 7, performed an inspection at your wastewater treatment facility. The inspection was performed to determine the WWTF's compliance with the Clean Water Act and its National Pollutant Discharge Elimination System permit. A copy of the inspection report is included herein. During the inspection, the following violations of the CWA and NPDES permit were documented:

- Failure to calibrate annually on lift station pumps
- Failure to measure inflow
- Freeboard not measured in lagoon cells
- Failure to maintain lagoons
- Failure to comply with sampling procedures
- Elevated organic loads to the WWTF from industrial sources

The Village of Thurston WWTF must be operated in full compliance with the terms of its NPDES permit and the CWA. The EPA inspection report provided recommendations for correcting deficiencies and improving operational practices at the WWTF to ensure future compliance. We strongly encourage you to implement these recommendations. Please note that the agency reserves its rights to bring an enforcement action, including the assessment of penalties, for these violations.

**Request for Information**

Section 308 of the CWA authorizes the agency to request information from any person subject to the CWA to determine and ensure compliance with the CWA. Through this letter, the agency seeks your assistance in providing information.



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During the October 2013 inspection, the agency observed that influent sampling was not performed during periods when Thurston Locker is processing animals and conducting cleanup activities. Influent sampling during these time periods is critical to determine if the WWTF is organically overloaded. The agency requests that, for a period of three months, the WWTF sample the influent for BOD, TSS, O&G, bacteria and ammonia on a weekly basis. Sampling shall begin within two weeks of receipt of this letter and shall be conducted concurrently with the inflow from Thurston Locker during animal processing and cleanup (the inspection report indicated that this normally occurs on Mondays). During the three month period, the WWTF shall submit sample results to Robert Bryant at the EPA on a monthly basis at the following address:

Robert Bryant  
U.S. Environmental Protection Agency  
Water, Wetlands and Pesticides Division  
Water Enforcement Branch  
11201 Renner Boulevard  
Lenexa, Kansas 66219.

Submissions to the agency shall include a signed and notarized Certification of Response to Request for Information, attached herein.

The information you provide may be used by the agency in administrative, civil, and/or criminal proceedings. Failure to provide all the information required or the making of any false material statements or representation in response to this letter, constitute violations of Section 308 of the CWA, and may result in an enforcement action and the imposition of civil and/or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Although the agency seeks your cooperation, compliance with the Information Request is required by law.

If you have any questions or need additional information, please contact Robert Bryant, of my staff, at (913) 551-7354 or Chris Muehlberger, the attorney assigned to this matter at (913) 551-7623.

Sincerely,

A handwritten signature in cursive script, reading "Karen A. Flourney".

Karen A. Flourney  
Director  
Water, Wetlands and Pesticides Division

Enclosure

cc: Ron Klein, Village Maintenance  
Village of Thurston, Nebraska WWTF  
P.O. Box 215  
Thurston, Nebraska 68062

Steve Goans, Section Chief  
Nebraska Department of Environmental Quality  
1200 N St, The Atrium, Suite 400  
P.O. Box 98922  
Lincoln, NE 68509-8922

## **CERTIFICATION OF RESPONSE TO REQUEST FOR INFORMATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to the EPA's Request for Information and all documents submitted herewith, and that, to the best of my knowledge, the submitted information is true, accurate, and complete, and that all documents submitted are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
Signature

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public